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DECEMBER 5, 1959

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TO: Secretary of State

NO: 1083, DECEMBER 5, 7 PM

PRIORITY

SENT DEPARTMENT 1083; REPEATED INFORMATION PARIS 342 BERLIN  
379. USCINCEUR 93 USAF WIESBADEN DCS/OPERATIONS 112

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EMBASSY AND USBER AFTER CONSULTATION USAF, BERLIN AIR TRAFFIC  
CONTROL EXPERTS AND MEYERSBURG OF FAA PARIS CONCERNING TECH-  
NICAL ASPECTS REFERENCE PROPOSAL OFFER FOLLOWING COMMENTS:

1. EMBASSY WISHES FIRST CALL ATTENTION PARA 2 OF DISCUSSION  
PAPER WHICH GIVES IMPRESSION ALTITUDES ABOVE 10,000 FT.  
FREELY USED WITHOUT SOVIET OBJECTION PRIOR TO 1956 WHEN  
SOVIETS ATTEMPTED IMPOSE RESTRICTION. RECORDS INDICATE ONLY  
ON RARE OCCASIONS DID AIRCRAFT ATTEMPT FLY ABOVE 10,000 FT.  
SOVIETS ACCEPTED FLIGHTS ABOVE 10,000 FT. ONLY UNDER EMER-  
GENCY CONDITIONS (E.G., ICING). AS EARLY AS JULY 24, 1954,  
SOVIETS STATED IN BASE CORRIDOR FLIGHTS WERE LIMITED TO  
AIR SPACE BETWEEN 2,500 FT. AND 10,000 FT. SUCH STATEMENTS  
WERE THEN REJECTED AND HAVE SINCE BEEN REJECTED EVERY TIME.  
DURING 1953 AIR SAFETY TALKS SOVIETS RAISED 18,000 FT. ISSUE  
AND PROBABLE LEGAL BASIS THEIR CONTENTION WAS PARA 2  
DAIR/P(45)67, SECOND REVISE OF DEC. 13, 1945 (SEE EMBTEL 1335,  
OCT. 28, 1957 AND BNN G-66, FEB. 14, 1958). THUS BASIC ISSUE  
WITH RESPECT TO 10,000 FT. CEILING IS NOT (RPT NOT) ONE  
OF DEALING WITH NEW SOVIET RESTRICTION IMPOSED IN 1956, BUT  
EFFECT OF OLD LIMITATION UPON NEW AIRCRAFT. ALTITUDE REMAINS  
ONLY SIGNIFICANT CORRIDOR RESTRICTION AND OTHER RESTRICTIONS

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NOT LIKELY IN VIEW SOVIET EMPHASIS ON "NO CHANGE" AND IN ABSENCE DISRUPTION STATUS QUO BY WESTERN POWERS.

2. EXISTING NAVIGATIONAL AIDS INADEQUATE PERMIT PILOT OR NAVIGATOR DETERMINE ACCURATELY WHEN HE HAS REACHED 12 DEGREE LINE. NO CIVIL AIRCRAFT OPERATING BERLIN CARRY DISTANCE MEASURING EQUIPMENT. HOWEVER, FOLLOWING DEMARCATION POINTS COULD BE ESTABLISHED BY USE EXISTING AIDS:

NORTHERN CORRIDOR: WILSNACK INTERSECTION

CENTER CORRIDOR : DOLLE INTERSECTION

SOUTHERN CORRIDOR: KONNERN INTERSECTION

3. EXPERTS CONCLUDE ANY STRATIFICATION WOULD IMPOSE RESTRICTIONS AND DIFFICULTIES FROM AIR TRAFFIC CONTROL STANDPOINT. HOWEVER, TO EXTENT WE NOT UTILIZING RIGHTS ABOVE FLIGHT LEVEL 100, PROPOSAL HAS ADVANTAGES. EXPERTS RECOMMEND FLIGHT LEVELS 180 THROUGH 290, INCLUSIVE, IN LIEU 200 THROUGH 300, IN VIEW ASCENT-DESCENT PATTERNS AND NORMAL CRUISING ALTITUDES OF FOLLOWING AIRCRAFT ON SHORT HAULS:

CONSTELLATIONS, DC-6 AND DC-7, FLIGHT LEVELS 150-180, INCLUSIVE; VISCOUNTS, 170-220, INCLUSIVE; CARAVELLE AND COMET, 220-250, INCLUSIVE; C-130, 180-290, INCLUSIVE.

FURTHERMORE, UNDER NORMAL CONDITIONS, CARAVELLE WOULD REACH FLIGHT LEVEL 100 AT 28 MILES, 200 AT 58 MILES, AND 290 AT 134 MILES.

4. EXPERTS DETERMINED AIR TRAFFIC CONTROL WITHIN BERLIN CONTROL ZONE COULD STILL BE CONTROLLED WITHIN 10,000 FT. FINAL CEILING. THEY NOTED SERIOUS PROBLEMS WOULD ARISE IF JETS WITH HEAVY FUEL CONSUMPTION WERE HELD AT LOWER ALTITUDES, CONSIDERING FUEL RESERVE REQUIRED TO REACH FEDREP ALTERNATE AIRPORT.

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5. FOLLOWING COMMENTS RE PROPOSED DECLARATION:

A) SUGGEST IN PARA 2(B) SUBSTITUTE "HIGHER FLIGHT LEVEL" FOR "UPPER LEVEL" AND DELETE BALANCE SENTENCE BECAUSE UNDER EMERGENCY WEATHER CONDITIONS SOVIETS HAVE ACCEPTED FLIGHTS ABOVE FLIGHT LEVEL 100 AND BECAUSE SOME PROPELLER AIRCRAFT CANNOT CLIMB TO FLIGHT LEVEL 200.

B) PARA 6, BELIEVE "ROUND ROBIN" FLIGHT PLANS OF MINIMUM VALUE TO SOVIETS AND WOULD HAMPER AIRTRAFFIC CONTROL OPERATIONS.

C) RE NOTE PARA 9, ONE-WAY OUTBOUND TRAFFIC CENTER CORRIDOR CONSIDERED ECONOMICALLY IMPRACTICAL.

D) SINCE STANDARD ALTIMETER SETTING PROCEDURE UTILIZED IN CORRIDORS REFERENCE TO ALTITUDES, SHOULD READ "FLIGHT LEVEL".

6. EXPERTS AGREED PROPOSAL FAR FROM IDEAL ARRANGEMENT INSOFAR AS AIR SAFETY CONCERNED, PARTICULARLY INSOFAR AS ACCEPTIBILITY BY COMMERCIAL AIRCRAFT AND CIVIL PILOTS. EITHER A SAFETY CENTER WITH COMPLETE CONTROL OF LIGHT SAFETY PURSUANT ICAO RULES OR FLIGHT ADVISORY SERVICE AVAILABLE TO ALL WHO DESIRE IT WERE CONSIDERED BETTER ALTERNATIVES. HOWEVER, IN GENERAL, PROPOSAL CONSIDERED TO BE SOME IMPROVEMENT OVER EXISTING "DE FACTO" SITUATION SO FAR AS WESTERN USERS CONCERNED.

7. PAST EXPERIENCE WOULD INDICATE SOVIETS MAY ATTEMPT EVERYTHING SHORT OF INTENTIONAL DESTRUCTION OF AIRCRAFT TO FORCE DISCONTINUANCE HIGH LEVEL FLIGHTS. SOVIETS HAVE REASONS FOR OPPOSING FLIGHTS ABOVE 100,000 FT.:

A) PRESENT SOVIET FREE-FLIGHT AREA WOULD BE GREATLY RESTRICTED, REQUIRING SOVIETS TO LIMIT PRESENT OPERATIONS, EVEN IF CROSSING CORRIDOR AT SPECIFIED ALTITUDES WERE PERMITTED.

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ABOVE EVALUATION FROM SOVIET VIEWPOINT SHOULD NOT (RPT NOT), BE CONSIDERED ARGUMENT AGAINST OPERATING FLIGHTS, BUT RATHER REFLECTS EMBASSY'S VIEW THAT NO MATTER HOW REASONABLE THE APPROACH, SOVIETS UNLIKELY ACCEPT SITUATION WHICH DISADVANTAGEOUS TO THEM WITHOUT OFFSETTING GAINS. THEREFORE SOVIETS LIKELY INSIST MATTER BE NEGOTIATED. ADAMANT REFUSAL TO DEFER FLIGHTS AND "NEGOTIATE" COULD LEAD TO SOVIET RETALIATION BY RESTRICTING COMMERCIAL AIRLINE ACCESS THROUGH REFUSAL GUARANTEE FLIGHT SAFETY AT ANY ALTITUDE.

8. EMBASSY FULLY CONCURS DESIRABILITY UPHOLDING PRINCIPLE OF RIGHT TO FLY AT ANY ALTITUDE; HOWEVER, ABILITY TO EXERCISE THAT RIGHT FREELY AND SAFELY WITH COMMERCIAL AIRCRAFT REQUIRES SOVIET ACQUIESCENCE. WHILE EXERCISING RIGHT WITH MILITARY AIRCRAFT UNDER PROTEST AND HARASSMENT WOULD SERVE TO MAINTAIN RIGHTS, IT WOULD NOT NECESSARILY ESTABLISH BASIS FOR COMMERCIAL FLIGHTS, IN WHICH FRENCH, BRITISH AND BERLINERS PRIMARILY INTERESTED.

9. EMBASSY BELIEVES MAJOR ISSUE FOR SOVIETS IS ONE NOT (RPT NOT) OF MERELY CROSSING CORRIDORS, BUT RATHER UNRESTRICTED USE UPPER AIRSPACE. WE SUGGEST, THEREFORE THAT PRESENT QUADRIPARTITELY AGREED RULES FOR CORRIDORS (DAIR/P(46)71, SECONF REVISE) WHICH CONTAIN FORMULA FOR CORRIDOR CROSSING AT ALL ALTITUDES, MIGHT PROVIDE BETTER BASIS FOR APPROACH BY STATEMENT WE WILL FLY IN ACCORDANCE EXISTING RULES. ADVANTAGE BASING POSITION ON THIS CONCEPT WOULD BE CONSISTENCY WITH PRESENT QUADRIPARTITELY AGREED RULES AND SOVIETS WOULD HAVE LESS BASIS CLAIM WE ARE PRE-EMPTING CERTAIN SPACE IN VIOLATION SUCH AGREEMENTS. ALTHOUGH SUCH POSITION MIGHT NOT MAKE HIGH LEVEL FLIGHTS MORE ACCEPTABLE TO SOVIETS, AS THEY WOULD STILL BE DEPRIVED OF SOLE USE OF AIRSPACE, SOVIETS WOULD BE HARDER PRESSED TO FIND BASIS OBJECTION AND OUR OBJECTIVES COULD BE BETTER ACHIEVED. WE WOULD BE ON SOUNDER LEGAL AND

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POLITICAL GROUND, HAVE MORE FLEXIBLE OPERATING POSSIBILITIES, AND BE IN BETTER TACTICAL POSITION IF SOVIETS COUNTER WITH REQUEST TO DISCUSS AIR SAFETY ISSUE.

10. WITH RESPECT TO POSSIBLE NOTIFICATION CHANNEL, EMBASSY BELIEVES THAT ANY PROCEDURE FOR RESUMING FLIGHTS SHOULD BE HANDLED ROUTINELY THROUGH BASC. ANY HIGHER LEVEL APPROACH WOULD AT OUTSET MARK ACTION AS POLITICAL MOVE AND RUN COUNTER TO POSITION THAT PROBLEM IS AN AIR SAFETY MATTER WITHIN EXISTING BASC PROCEDURES.

11. FINALLY, SINCE BRITISH AND FRENCH HAVE PREVIOUSLY INDICATED POSSIBILITY QUESTION COULD BE RESOLVED BY INITIATING TECHNICAL DISCUSSION EMBASSY WISHES CALL ATTENTION TO PAST EXPERIENCE WHEN EFFORT MADE TO ENGAGE IN TECHNICAL DISCUSSION WITH SOVIETS THROUGH AIR SAFETY TALKS. ANY RENEWED EFFORT TO DISCUSS WOULD PROBABLY MEAN RESUMING THESE SUSPENDED NEGOTIATIONS AND CONSEQUENTLY STARTING WITH SAME UNRESOLVED ISSUES WHICH FORCED SUSPENSION, I., E., ALTITUDES, PURPOSE OF FLIGHTS AND REQUIREMENT FOR SOVIET APPROVAL.

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